

Sunset Public Hearing Questions for
Interstate Compact for Supervision of Adult Offenders
Created by Section 40-28-401, *Tennessee Code Annotated*
(Sunset termination June 2013)

- 1. Provide a brief introduction to the compact, including information about its purpose, requirements, and the state officials and staff involved in the administration of the compact in Tennessee.**

The Interstate Compact for the Adult Offender Supervision provides the sole statutory authority for regulating the transfer of adult parole and probation supervision across state boundaries. The mission of the Compact is to govern the relocation of parole and probation offenders in a manner that promotes effective supervision strategies that are consistent with public safety, offender accountability, and victims' rights. The Compact currently has jurisdiction over more than a one 120,000 offenders. All 50 states are members of the compact, as are the District of Columbia, Puerto Rico and the U.S. Virgin Islands.

The Interstate Commission provides day-to-day oversight of the Compact between the states. It promulgates rules to achieve the goals of the Compact, ensures an opportunity for input and timely notice to both victims and jurisdictions where defined offenders are authorized to travel or to relocate across state lines. The Commission also provides member states with an electronic information system to track offender movement and collect uniform data. Additionally, the Commission monitors compliance with the rules governing interstate movement of offenders; initiates interventions to address and correct noncompliance, and coordinates the training and education of local officials.

Tennessee currently has a Compact Commissioner/Administrator who is a state employee with other duties and serves at no additional cost to the state. There are also two other full time state employees that handle the daily activities related to the Compact.

- 2. Provide a list of the states with which Tennessee currently has agreements under the compact.**

All fifty states, Washington DC, Puerto Rico and The Virgin Islands have agreements under the Compact.

3. **Article III of the compact requires the governor of each compact state to establish a “State Council for Interstate Adult Offender Supervision.” Such a council is also required at Section 40-28-402, *Tennessee Code Annotated*. Please describe the duties of the council established in Tennessee and provide a list of the current members and how membership complies with Article III of the compact and Section 40-28-402(a) (1), *Tennessee Code Annotated*. Which council members serve on the Interstate Commission for Adult Offender Supervision? If there are vacancies on the council, what is being done to fill those vacancies?**

The State Council for Interstate Adult Offender Supervision is responsible for the appointment of a Commissioner/Administrator who serves on the Commission to represent the State of Tennessee. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups and a Compact administrator appointed by the Governor.

The State Council exercises oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state including, but not limited to, development of policy concerning operations and procedures of the Compact within that state as well as choosing their own Chairperson. The Tennessee State Council is comprised of the following members:

A Chairman that is appointed by the Governor: Parole Board Chairman Charles Traughber currently serves with no statutory expiration.

A Compact Commissioner/Administrator that is appointed by the State Council.: Gary Tullock, Director of Field Services currently serves with no statutory expiration.

A Senate Representative that is appointed by the Speaker of the Senate: Senator Rusty Crowe currently serves with his appointment expiring at the end of the election term.

A Legislative Representative that is appointed by the Speaker of the House: Representative Jim Coley currently serves with his appointment expiring at the end of the election term.

A Judicial Representative that is appointed by the Administrative Office of the Courts: Judge Michael R. Jones currently serves with his appointment expiring at the end of his term of office.

A Victims' group representative that is appointed by the Governor: Ms. Kathleen Starnes-Maxwell currently serves with her appointment expiring on May 6, 2013.

A Criminal Justice System representative that is appointed by the Governor: Attorney Stephen G. Young currently serves with his appointment expiring on December 31, 2014.

There are currently no vacancies on the Council, however, Senator Rusty Crowe did not stand for re-election and his term will expire at the end of 2012. The Speaker of the Senate will be notified of the vacancy and will make the appointment of Senator Crowe's replacement.

4. **Who is the Compact Administrator for the State of Tennessee as defined in Article II of the compact and Section 40-28-402(a) (2), *Tennessee Code Annotated*?**

Gary Tullock, Director of Field Services, Board of Parole and Probation (Tennessee Department of Correction as of July 1, 2012).

5. **How often has the interstate commission met and has Tennessee been represented at all such meetings?**

The Interstate Commission convenes an annual business meeting every August. Tennessee has been represented at all of the annual business meetings by the Compact Commissioner/Administrator with the exception of 2007 when Deputy Compact Administrator Deborah Duke attended.

When the full Commission is not in session, the Executive Committee teleconferences monthly to maintain their responsibility for the daily operations of the Compact.

6. **Is Tennessee represented on the executive committee of the interstate commission described in Article III, F, of the compact?**

Compact Commissioner/Administrator Gary Tullock served as the South Region Representative on the Executive Committee from 2005

– 2010 and again from 2011 – present. He is also Chairman of the Rules Committee.

7. **In the past two years, how many individuals have been transferred into or out of Tennessee pursuant to this compact? What are the specific responsibilities of the receiving and sending states?**

During FY2011, 1812 offenders were accepted for transfer to the state of Tennessee and 636 offenders from Tennessee were accepted for transfer to another state. FY2012 to date has seen Tennessee accept for transfer 2,062 offenders and transfer out to other states 890 offenders.

ICAOS rules require that the receiving state supervise the in-coming offenders exactly as they would supervise an offender sentenced in that state. For that reason, we use all of the same tools and techniques with an ISC case as with a Tennessee case. The sending state is required to provide background information on the offender to help in the supervision of the offender and to retake the offender if they violate the conditions of supervision in a significant manner.

Under ICAOS Rule 3.101 the following cases are mandatory for acceptance:

- More than 90 days of active supervision remaining,
- Has a valid plan of supervision,
- In substantial compliance with rules in sending state,
- Is a resident of the receiving state (1 year prior to offense, intends TN to be their residence, has not resided in another state longer than 6 months unless incarcerated.
- Or has resident family who have indicated a willingness and ability to assist with supervision and can obtain employment
- A military member transferred to the state
- Resides with a transferred military member,
- Employment transferred by the employer of the offender or family member

Under ICAOS Rule 3.102 transfers can be discretionary upon approval by receiving state. Most discretionary cases have TN sentences, scholarships to school or are in life threatening situations in the sending state.

8. **How does the compact affect the operations of the Tennessee correctional system?**

The Compact has both positive and negative affects on Tennessee's correctional system. The positives are:

- Offenders committing crimes in Tennessee who are residents of other jurisdictions are allowed to go home for supervision which reduces the amount of public resources spent on them and prevents them from committing more crimes in Tennessee.
- Offenders from other states cannot "state shop" and come to Tennessee unless they meet the legal criteria.
- Other states are legally obligated to retake their offenders who do not behave appropriately while being supervised in Tennessee.

The negative would be that Tennessee imports more offenders through the Compact than they export.

9. What were Tennessee's costs related to the compact during fiscal years 2011 and 2012? Describe the specific sources and uses of those funds.

COST	2011	2012	
Cost of supervision for imported offenders	\$4,690,537	\$4,977,068	Paid out of Appropriations
Cost of two full time state employees	\$96,465	\$96,465	Paid out of Appropriations
Annual dues	\$28,652	\$36,674	Paid out of fees collected for supervision
* estimated rate of \$2.96 per day			

FEES COLLECTED	2011	2012
Transfer fees collected	\$107,625	\$101,887
Supervision fees collected	\$574,412	\$335,116

10. Does the interstate commission submit an annual report to legislatures, governors, and judiciary and state councils as required in Article IV, 17, of the compact? Please attach a copy of the most recent report.

Yes. An annual report is filed with the Governor (see attached) and is available to all state entities on the ICAOS website.

11. Have rules been promulgated by the Board of Probation and Parole, as authorized by Section 40-28-402(b)? If so, please cite the reference. How does that rule-making authority coincide with or differ from the rule-making

authority held by the Interstate Commission as described in Articles IV and VII of the compact?

The Board has adopted the ICAOS rules in total rather than generate a separate set of rules that attempt to keep up with the ICAOS rules. The rules promulgated by the Commission have the force and effect of federal law. By rule and by policy, once an offender is accepted in Tennessee, they are supervised according to all BOPP rules as if they were a Tennessee case and all BOPP supervision policies apply to them.

- 12. How does the receiving state keep the sending state informed of an individual's compliance or noncompliance with the conditions of parole or probation? Can the receiving state revoke the probation or parole of an individual pursuant to this compact?**

The receiving state is required to send an annual Progress Report through an electronic database (ICOTS) that is maintained by ICAOS to the offender's state of origin. A Progress Report is also due 90 days before a case expires or upon request by the state of origin.

The receiving state must report all new offenses and/or three or more distinct technical violations to the state of origin. However, the receiving state cannot revoke the state of origin's sentence imposed on the offender and an offender must be sent back to their state of origin for determination of revocation.

- 13. Article IX of the compact states that "The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year." How much has the State of Tennessee been called upon to pay during fiscal years 2011 and 2012? How does this compare to the contributions from other member states? How does the interstate commission determine how much each member state must contribute?**

The dues for 2011-12 were \$28,651.80. This amount was more than what 19 other states paid, equal to what was paid by 20 other states, and less than the amount paid by 13 states. The legislation requires that the dues formula, "taking into consideration the population of the state and the volume of interstate movement of offenders in each compacting state..." The current formula is: The population of the state divided by population of the United States plus the number of

offenders sent from and received by all states, divided by two. These ratios are divided into 6 tiers. Tennessee fell within the third tier in 2011. Due to the volume of transfers being made to Tennessee, the assessment for 2012-13 will increase to \$36,674.30.

14. Describe any items related to the compact that require legislative attention and your proposed legislative changes.

Currently Tennessee charges a relatively modest interstate supervision fee of \$15. Increasing this fee to \$45 would be anticipated to generate \$830,000, if collected at the current rate that the \$15 fee is collected.

15. Should Tennessee continue its participation in the compact? What are the advantages and disadvantages of continued participation? How would Tennessee's failure to participate in the compact affect the public health, safety, or welfare?

There are several reasons to support Tennessee's continued participation in the compact despite its most noteworthy disadvantage - Tennessee imports more felons than it exports. On average, 50% more felons come here than leave to be supervised elsewhere, so the total expense associated with the presence of these imported felons (factoring in the fees collected from them) does not offset the savings garnered by exporting Tennessee felons. However, this single disadvantage is outweighed by the multiple advantages obtained through our continued participation in the compact.

First, the compact provides a mechanism to remain informed of the presence of felons from other states in Tennessee. If we were not a member of the compact other states would be under no obligation to notify us when offenders enter Tennessee. Second, membership in the compact ensures that offenders coming to Tennessee meet specified criteria. Third, the compact places requirements on states that send offenders here to retake them should their behavior warrant it. Fourth, the compact allows offenders from Tennessee to seek gainful employment and maintain family ties outside the state while being appropriately supervised.

Failure to maintain membership in the compact would jeopardize public safety by creating the presence of undocumented felons in our state, eliminate mandates that currently exist to ensure the prompt return of felons who continue to pursue criminal lifestyle to their home states, and strip us of our ability to apply standards of supervision to a group of felons living in Tennessee.



Interstate Commission for Adult Offender Supervision
Ensuring Public Safety for the 21st Century

FY 2011 Annual Report





Letter from the Chair

In the past year, criminal justice agencies everywhere experienced significant change. Compact Offices are maintaining services with less staff and higher turnover. In these trying times, the Interstate Commission for Adult Offender Supervision (ICAOS) continues to lead by setting and achieving aggressive goals. Commission members consistently take time from their busy schedules to volunteer their time and talent to participate in the business of the Commission, while the National Office staff diligently support their efforts.



Milt Gilliam (OK)
Chair



Wayne Theriault (ME)
Vice-Chairman



Charles Lauterbach (IA)
Treasurer

Taking direction from the Commission, the Executive Committee addressed several important items in the past year. During our 2010 Annual Business Meeting, the Commission adopted nine rule amendments dealing with violations and retaking. In March 2011, the Rules and the Training committees prepared and disseminated this information nationally. Previously established ad hoc committees, tasked to review the rule on the dues formula and victim issues related to interstate transfer, will present their findings during the 2011 Annual Business Meeting in Montgomery, Alabama. The ad hoc committee reviewing the use of risk and need assessments around the country, established at last year's annual business meeting, will present their findings. The Technology Committee, with assistance from the ICAOS National Office, renegotiated the ICOTS contract, implemented five major releases and transitioned the helpdesk from Appriss to the National Office; thus reducing our contract cost by more than \$100,000. With a great deal of assistance from Harry Hageman and his staff, the Commission once again finished the year under budget for the third consecutive year.

I received positive and constructive feedback from states regarding the compliance audits completed by the National Office. In the upcoming year, the National Office will continue to work with some states to find solutions for their identified deficiencies by conducting a follow up audit.

I thank everyone involved with ICAOS for taking time to be involved and for your commitment to public safety. The Commission's accomplishments are the direct result of your dedication and self-sacrifice. I encourage each of you to stay active in the work of the Commission in the upcoming year.

Sincerely,

Milt Gilliam, Chair
Interstate Commission for Adult Offender Supervision

Awards Presented

Executive Chair Award
Commissioner
Wayne Theriault (ME)

Executive Director Award
Regina Grimes (TX)

Peyton Tuthill Award
Victims' Advocate
Denise Giles (ME)

The Mission:

To guide the transfer of offenders in a manner that promotes effective supervision strategies consistent with public safety, offender accountability, and victim's rights.

2010 Annual Meeting Spotlight

The 2010 ICAOS Annual Business Meeting (ABM) took place in San Antonio, Texas and provided the Commission with an excellent opportunity to reflect on a busy year. An in-service training program brought together policy makers and practitioners in a variety of forums to exchange ideas and discuss common problems.

To encourage candid discussion, lively interaction and creative problem solving, the Executive Committee changed the format of the business meeting. The open exchange of ideas that resulted from the open format presented the states with a unique opportunity to learn from the experience of others. With the overwhelmingly positive response, it is unlikely the Commission will return to the traditional lecture style presentations.

The standing Committees reported productive outcomes in the areas of finance, training, rules, compliance and technology. For the third consecutive year, the Commission finished the year under budget and contributed to the growing reserve fund. The Rules Committee led the effort to update the rules and address concerns about the violation and retaking process; the Training Committee provided training on a number of topics to thousands of field personnel; the Compliance Committee established the first compliance audit program; and the Technology Committee enhanced the functionality and usability of the Commission's Interstate Compact Offender Tracking System (ICOTS) through an on-going program of development and end user support.

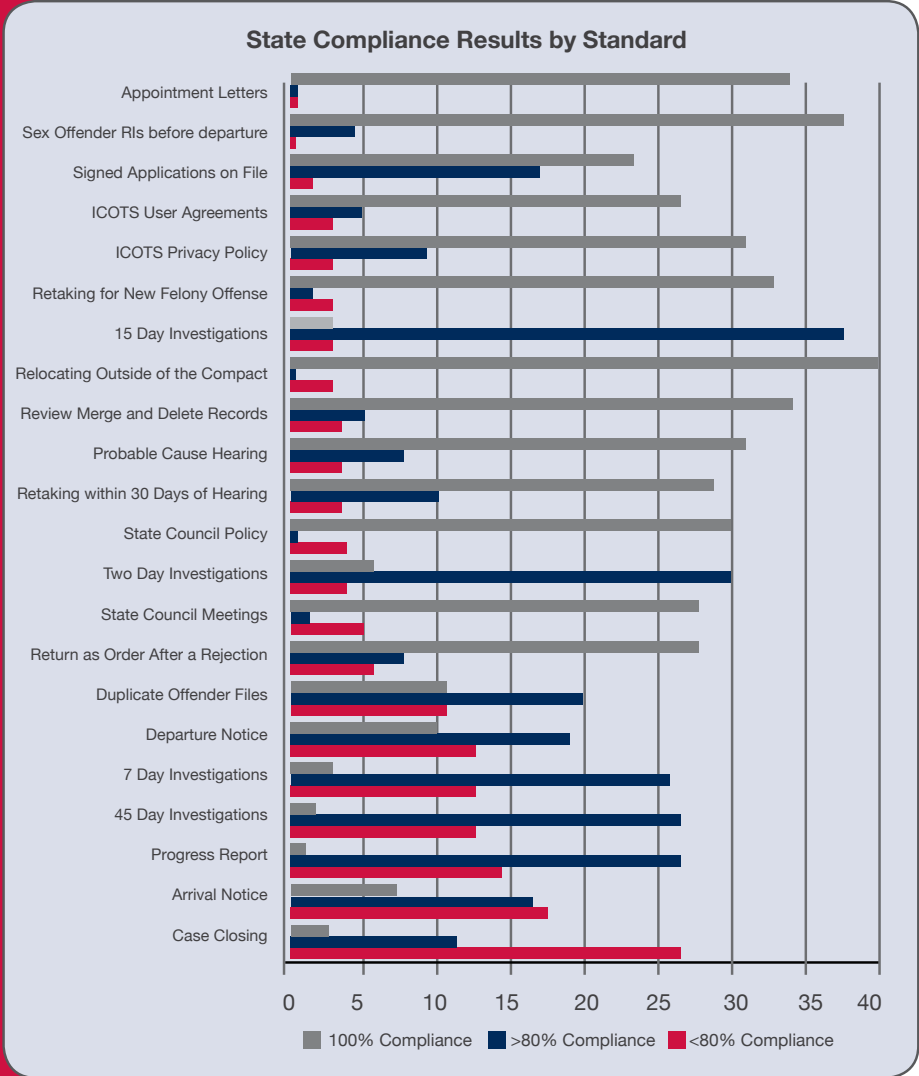
The officers elected by the Commission to serve a two-year term include Chair, Milt Gilliam (Oklahoma), Vice Chair, Wayne Theriault (Maine) and Treasurer, Charles Lauterbach (Iowa). All three officers previously served the Commission as members of the Executive Committee and are seasoned compact administrators.

Next Meeting: September 14, 2011 in Montgomery, AL



The Council of State Governments and our National Center on Interstate Compacts is proud of our close association with the Interstate Compact for Adult Offender Supervision. The Compact represents a great example of states coming together to craft solutions that work. The staff, commission members and state leaders who carry out the work of the Compact are dedicated public servants who are making a difference. The states who are signatories to the compact know that by working together they can save money, be more productive and enhance public safety. CSG values our role in helping ICAOS achieve these important results.

David Adkins
Executive Director CEO, the Council of State Governments (CSG)
ICAOS is an affiliate of CSG



Compliance Audits: Information and Accountability

Due to the efforts to automate in earlier years, the Commission now has the necessary information to benchmark and set compliance performance goals. The first compliance audit in the history of the compact started this year with a series of pilot audits culminating in a nationwide audit. The audit measured each state's ability to comply with an established set of twenty standards. Each standard represented one or more of the Commission rules.

Overall, the results of the audit are positive. Seventy-four percent of the states are operating within the current standards of acceptability. The few standards that were problematic for most states at the beginning of the audit period have since shown significant improvement. The FY 2012 compliance audit will determine if the states are taking action to correct the deficiencies noted in the first audit.

Offender Demographics

In FY 2011, the states supervised 113,693 compact offenders, an increase of one percent over the year before. The demographic characteristics of the interstate offender population continue to be consistent with those offenders on state and local supervision when measured by gender, age and race.

Offender Demographics for Interstate Compact Offenders				
		Parole	Probation	Total
Female	American Indian or Alaskan Native	23	157	180
	Asian or Pacific Islander	23	203	226
	Black	1,033	5,265	6,298
	White	1,646	11,575	13,221
	Unreported	241	1,713	1,954
Female Totals:		2,967	18,912	21,879
Male	American Indian or Alaskan Native	187	575	762
	Asian or Pacific Islander	242	743	984
	Black	6,275	19,283	25,558
	White	13,797	42,395	56,193
	Unreported	2,042	6,275	8,317
Male Totals:		22,543	69,271	91,814
Grand Total		25,510	88,183	113,693

Gender

Male offenders on compact supervision are over represented in both the probation and parole population. Of those offenders on interstate compact supervision (probation or parole) 81% are male and 19% are female. This is consistent with the general probation and parole population according to the Bureau of Justice Statistics 2009 report.

Age

The age group most frequently represented is 18 to 29, with 50% under the age of 40. The least represented are the under-18 and 50-62 age groups.

Supervision Length

The average length of supervision for compact cases increased from 3.17 years in FY 2010 to 3.53 years in 2011. The number of offenders serving a lifetime supervision sentence is relatively small and declined from 627 offenders in FY 2010 to 564 compact offenders in FY 2011.

Acceptance and Rejection Rates

The average rate of acceptance declined by 16% in FY 2011. On average, the states accepted 73% of the total number of transfer requests. In addition, the number of transfers processed increased by 6% or 5,034. Offenders who were a resident of the receiving state comprised the group most likely to have their request approved. In contrast, discretionary transfer requests are the least likely to be approved.

Discretionary transfer requests account for 14% of all requests, but represents only 10% of the transfer requests that are accepted. This is consistent with the rates from FY 2010. States vary widely in their willingness to accept discretionary transfers, from a low of 34% to a high of 100%.

Number of Transfer Requests	Percent of Transfer Request Accepted	Reason for Transfer
11,646	56%	Discretionary
346	71%	Employment transfer of family member to another state
705	63%	Employment transfer of the offender to another state
382	79%	Live with family who are military members
125	78%	Military member
41,309	72%	Resident family and Employment or Means of Support
31,492	82%	Resident of receiving state within the meaning of the Compact

Victim-Sensitive Cases

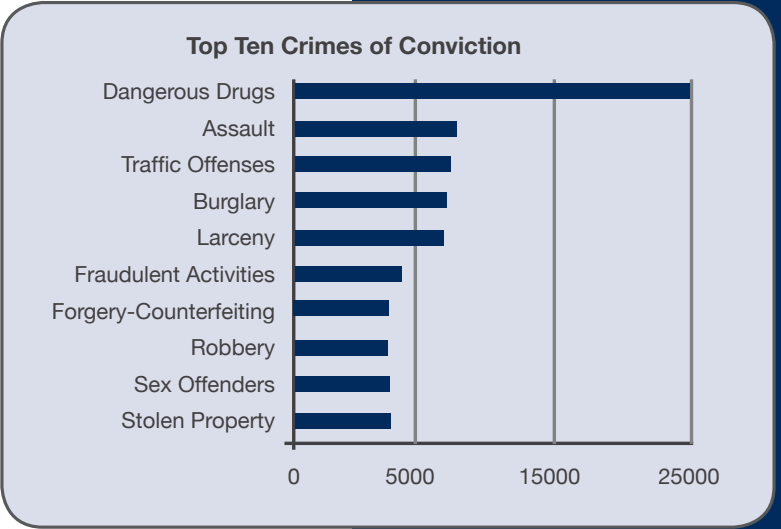
Transfer request that are identified as victim-sensitive by the sending state, in accordance with the definition of "crime victim" under the statutes governing the rights of crime victims in the sending state, are approved at a lower rate than those that are not victim-sensitive. About 12% of the offenders transferred in FY 2011 are considered victim-sensitive; a 2% increase over FY 2010. Of the 9,417 transfer request designated as victim sensitive, only 71% received approval by the receiving state.

Registered Sex Offenders

By rule, a sex offender is defined as an adult placed under, or made subject to, supervision as a result of the commission of a criminal offense and released to the community under jurisdiction of the courts, paroling authorities, corrections, or other criminal justice agencies. In addition, the offender is required to register as a sex offender either in the sending or receiving state and is required to request a transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision. In FY 2011, 6,247 sex offenders applied for interstate transfer. The states approved 48% or 3,009 of these requests. This is well below the average acceptance rate for non-sex offenders (78%). Sex offender transfers comprise 5% of the total number of transfers for FY 2011.

Crimes of Conviction

The crime of conviction for compact offenders mirrors the general population of probation and parole offenders. In the table shown, the top five crimes of conviction account for over half of the total.



Improvements resulting directly or indirectly from the compliance audit include:

5%

The number of notice of arrivals issued increased by 5%

27%

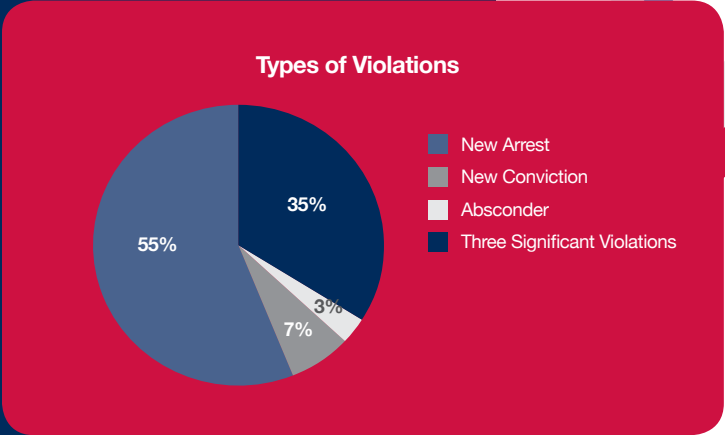
The number of progress reports submitted increased by 27%

6%

The number of case closure reports issued increased by 6%

6.6 days

The average time to complete the 45 day investigation decreased by 6.6 days



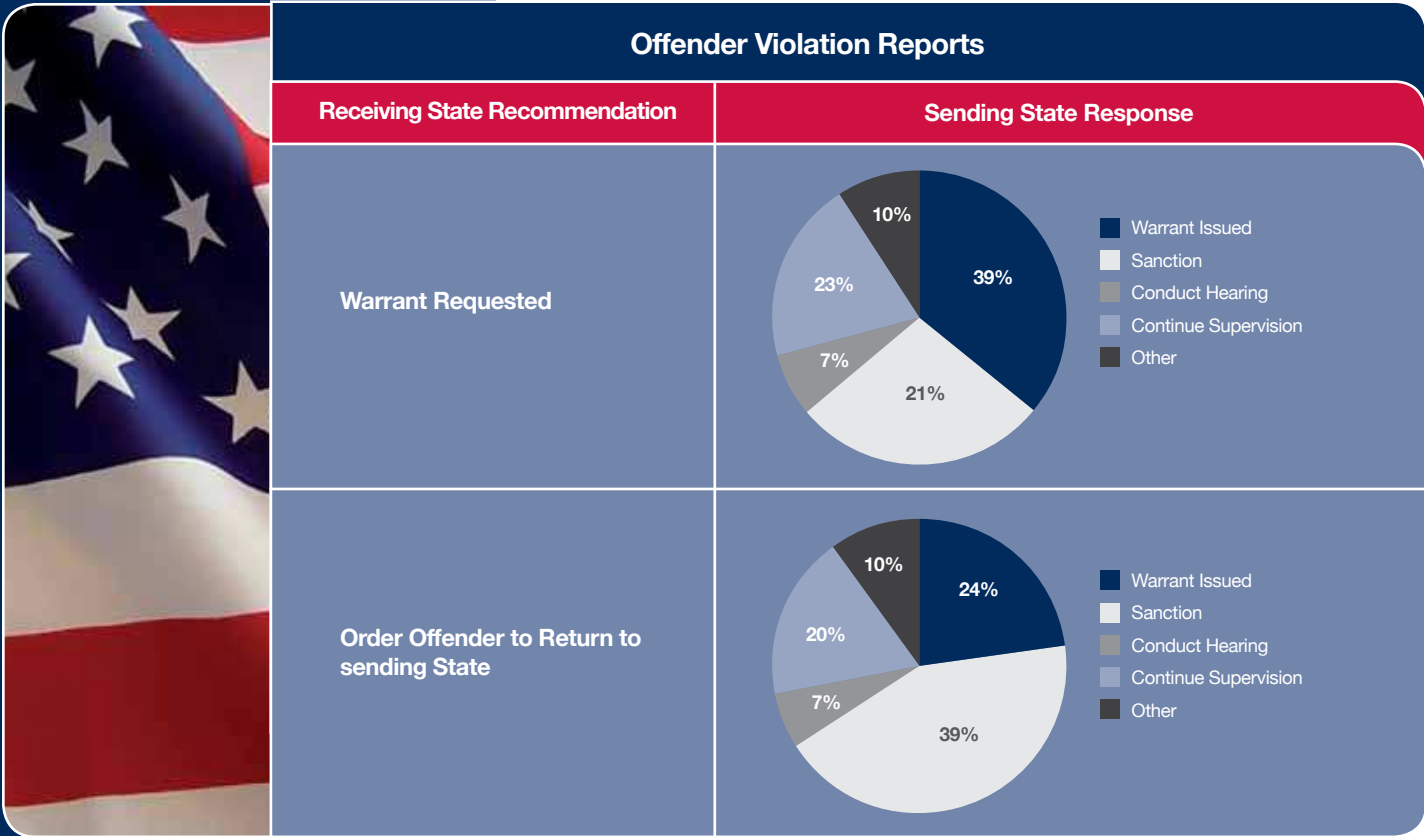
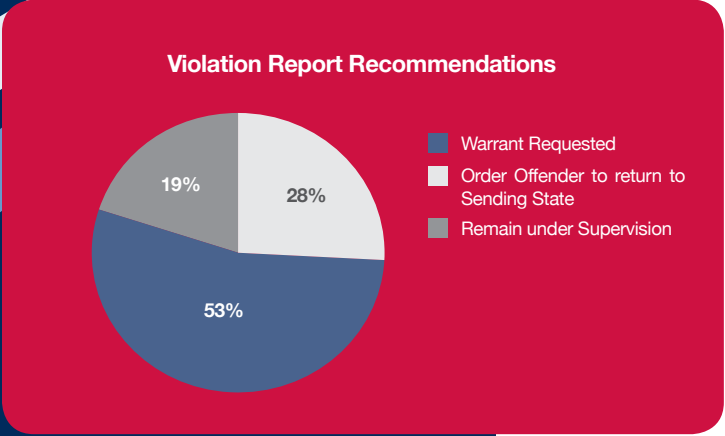
Violations

The states submitted 29,892 violation reports in FY 2011. Slightly more than 44% of the violations resulted in a recommendation to either continue supervision or to sanction the offender and then continue supervision.

The type of violations remains consistent with those reported in FY 2010. Approximately 55% of violations involved a new arrest, seven percent are the result of a new conviction, three percent are for absconding and 35% are related to the commission of significant violations*.

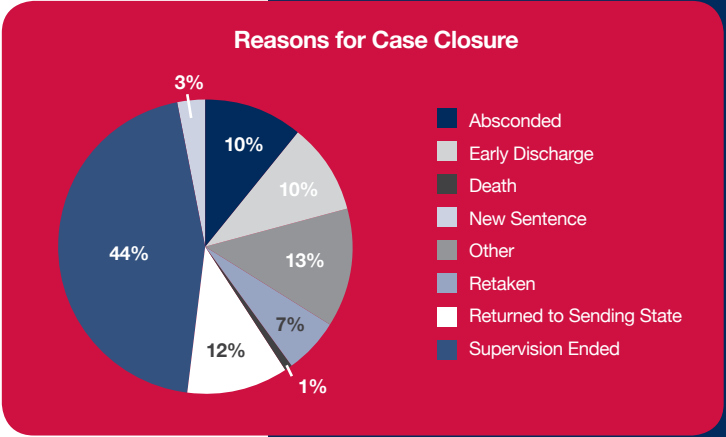
Approximately 5% of violators are registered sex offenders and 9% of the violations involved victim-sensitive cases. Both of these percentages are proportionally smaller than that of the typical offender population.

*A significant violation is an offender's failure to comply with the terms or conditions of supervision that, if occurring in the receiving state, would result in a request for revocation of supervision.



Case Closures

The states closed supervision on 67,869 compact offenders this year. Of those, 54% either completed their term of supervision or received an early discharge. The breakdown between reasons for closure remains consistent with the data from last year.



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Sara Andrews, OH | Midwest Region Chair

Chris Norman, AL | South Region Chair

Edward Gonzales, NM | West Region Chair

Dori Ege, AZ | Training, Education and Public Relations Committee Chair

Dori Ege, AZ (Acting) | Wayne Theriault, ME | DCA Liaison Committee

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Charles Lauterbach, IA | Finance Committee Chair

Patricia Tuthill, FL | Victims Representative

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Committees continued on page 10.

Did you know?

The majority of victim sensitive cases involve a property and drug offenses

The vast majority of convictions for interstate compact offenders fall into these three categories:

- 32% property crimes
- 20% crimes of violence
- 27% drug offenses

16 years old

There are 69 juveniles on adult compact supervision with an average age of 16 years old

40 years old

The average age of a sex offender on compact supervision is 40 years old which is 5 years older than offenders who are not convicted of a sex offense

35.3 years old

The average age for a male on compact supervision is 35.3 years old

34.9 years old

The average age for a female on compact supervision is 34.9 years old

Florida supervises more compact offenders than any other state or territory

Programs and Services in FY 2011

Policy, Administration and Legal

- Implemented the FY 2011 compliance audit program and set the standards for the FY 2012 audit
- Published a Spanish version of the ICAOS Rules
- Processed 25 voluntary incident reports
- Published 156 Newsletters, announcements and emergency notifications
- Surveyed the states on risk and need assessments, offender data sharing and retaking procedures for probation cases
- Coordinated the 2010 Annual Business Meeting in San Antonio, TX, 59 online region and committee meetings and five on-site meetings
- Conducted on-site orientations for three new commissioners
- Initiated one lawsuit for non-payment of dues
- Published three advisory opinions

Technology Committee

- Introduced five new releases to ICOTS
- Began the research and design for an ICAOS mobile website
- Transferred the ICOTS helpdesk function from Appriss to the National Office staff
- Published five new ICOTS External Reports
- Published a HTML version of the ICAOS Rules
- Initiated a data sharing pilot with state fusion centers
- Continued independent ICOTS performance monitoring
- Conducted ICOTS performance load testing

Training

- Created a new ICAOS reference library on DVD
- Thirteen states now offer continuing legal education credit to those in the legal profession who participate in ICAOS training programs
- More than 900 individuals attended the 11 training sessions on the 2010 rule amendments
- Almost 3,100 individuals viewed 1,220 hours of training via the on-demand training modules
- Five states received training assistance through the Technical and Training Assistance Policy
- Conducted workshops for the American Probation and Parole Association and the American Association of Paroling Authorities International
- Updated the Judicial Bench Book, the Commissioner Handbook and the field officer training curriculums

New Rules and Amendments Effective March 2011

- Rule 5.102 Mandatory retaking for a new felony conviction
- Rule 5.101 Retaking by the sending state
- Rule 4.109 Violation reports
- Rule 4.109-2 Absconding Violation
- Rule 5.103-1 Mandatory retaking for offenders who abscond
- Rule 3.107 Transfer Request
- Rule 1.101 Definition for violent crime and warrant
- Rule 5.103-2 Mandatory retaking for violent offenders and violent crimes

FY 2011 Advisory Opinions

2-2011 (published 01.24.2011) — At issue: Whether ICAOS Rule 5.103-2 requires the sending state to determine an offender’s status as a ‘violent offender’ as defined in ICAOS Rule 1.101 at the time of the transfer of supervision to the receiving state. The current language of ICAOS Rule 5.103-2(b) does not mandate that the sending state make a determination that an offender is a ‘violent offender’ at the time of transfer of supervision to the receiving state under the terms of the compact.

1-2011 (published 01.24.2011) — At issue: Whether ICAOS Rule 2.105 applies to misdemeanor violations pertaining to hunting which involve the use of a firearm and whether offenders convicted and sentenced to supervision for such violations are thus subject to transfer under the compact. ICAOS Rule 2.105 applies to all misdemeanor violations, including those pertaining to hunting, which involve the use of a firearm and offenders convicted and sentenced to supervision for such violations are thus subject to transfer under the compact.

4-2010 (published 07.15.2010) — At issue: What is the effect of a Washington statute providing that the Department of Corrections is not authorized to supervise certain offenders who are sentenced to a term of community custody, community placement, or community supervision on supervision cases under the compact.

*The full text of the advisory opinions can be found in the legal section of the Commission’s website.

Ad Hoc Committees

Dues Formula

Membership: Chair Charles Lauterbach, IA, Gary Tullock, TN, Kathie Winckler, TX, Kevin Kempf, ID, Michelle Buscher, IL, Jim Ingle, UT

Mission: Determine if there is a need to make adjustments to the dues formula.

Recommendations: No changes recommended.

Risk and Needs Assessment

Membership: Chair Sara Andrews, OH, Keven Pellant, KS, Jane Seigel, IN, Leeann Bertsch, ND, Patrick McGee, MD and Genie Powers, LA

Mission: In the interest of enhancing public safety, the Commission wishes to explore the feasibility of incorporating the use of principles of effective classification which includes risk, need, responsiveness, and professional discretion in the interstate compact transfer process.

Recommendation: The Committee determined it is not feasible to use a single risk assessment tool for use with interstate compact transfer cases (Charge #2). However, it is feasible and beneficial to begin using a risk assessment as part of the interstate compact transfer process and, if a sending state has completed a risk assessment on the transferring case, it should be included as an additional piece of information for the receiving state (Charge #1 and #3). The Committee believes the Commission can facilitate states speaking a common language in terms of risk assessments by posting state specific risk assessment information on the Commission’s website. In addition, the availability of the information on the website will ultimately increase system-wide support, sharing and reliability of valuable risk and need information.

Victims Issues

Membership: Chair Patricia Tuthill, ICAOS Victim Rep., Anne Seymour, Victim Rep., DC, Dan Levey, Victim Rep., AZ, Denise Giles, Victim Rep., ME, Commissioner Jenny Nimer, FL, Commissioner John Rubitschun, MI, Commissioner Keven Pellant, KS, Commissioner Raquel Colon Esteves, PR, Ruth Schueller, Victim Rep., MI, Suzanne Elwell, Victim Rep., MN.

Mission: Identify actions that should be considered for improving the victim notification process.

Recommendation: The group has not yet completed its work.

Training Bulletins

- Training Bulletin 1–2011—Rule 1.101-Definitions—Supervision
- Training Bulletin 2–2010 — ICOTS - Merging Offender Records

*Copies of training bulletins are available in the training section of the Commission’s website

Standing Committees

Continued from page 7.

Finance

Charles Lauterbach, IA, Chair
Gary Tullock, TN
Kathie Winckler, TX
Michelle Buscher, IL
Jim Ingle, UT, Ex Officio

DCA Liaison

Dori Ege, AZ, Acting Chair
Sidney Nakamoto, HI
Charles Placek, ND
Kari Rumbaugh, NE
John Gusz, NJ
Dawn Persels, OR
Karen Tucker, FL
Kela Thomas, SC

Rules

Gary Tullock, TN, Chair
Dori Ege, AZ
John Blonien, WA
Jane Seigel, IN
John Rubitschun, MI
Ed Ligtenberg, SD
Gerald VandeWalle, ND, Ex Officio
Frank Torres, CA, Ex Officio
John Gusz, NJ, Ex Officio

ICAOS Budget Quick Facts

15%

The Commission reduced budgeted expenses by 15% since FY 2009

25%

The National Office reduced 25% of its staff positions since 2008

3 years

The Commission held expenses under budget for 3 consecutive years

Looking Ahead to Fiscal Year 2012

Almost a third of the Commission’s membership will turnover before the end of FY 2012 and the economic climate is not likely to change in the near future. As with any organization that experiences significant turnover in its leadership, the Commission’s challenge will be to find new ways to educate and involve its members in ways that are meaningful to the organization. In addition, it is imperative that the Commission continues to work within the confines of its budget while maintaining a healthy reserve without pursuing additional funding from the membership. The Commission must continue to improve efficiency and program quality while continuing to provide the services expected by its members. The Commission is committed to enhancing and expanding its present offering of programs without an increase in membership contributions.

Prevailing Compact Issues

Each year the Commission faces difficult challenges. In previous years, the Commission concentrated its efforts on stabilizing the budget, building a menu of programs and services, the rule making process, training and education and information management systems. This year and next year members are likely to see the introduction of new tools, programs and services geared toward improving rule compliance. In FY 2011, every member state and territory received its first compliance audit and the results of the audit will serve as the benchmark for improvement in FY 2012.

The Commission continues to struggle with committee membership and meeting participation. When commissioners are not active and committees cannot assemble a quorum, the organization suffers. The Commission relies on Committees and individuals to routinely examine issues and solve problems that have a national impact. In FY 2012, the Commission faces the challenge of finding new ways to involve its membership or the momentum that drives the organization forward will eventually fade.

Financial Outlook

The past three years of fiscal belt-tightening stabilized the Commission’s budget and led to the development of a reserve fund. Even after foregoing a previously approved dues increase, the Commission committed funds to the reserve. Now that the Commission has an adequate reserve, it is time re-evaluate the current long term investment strategy. Typically, the reserve funds are kept in a money market account that is presently paying .75% in interest. In the upcoming year, the Finance Committee intends to evaluate options for increasing the return on investment without accepting additional risk.

In accordance with Council of State Governments recommendations, the Commission maintains a reserve fund. The current balance of the reserve fund is \$1,818,847.85. There is an additional reserve fund of \$50,000 to finance unexpected legal expenses.

BUDGET	FY 2007	FY 2008	FY 2009	FY 2010	FY2011
REVENUE	\$1,503,079.64	\$1,440,211.94	\$1,692,118.88	\$1,630,302.31	\$1,558,253.26
EXPENSES	\$1,343,920.99	\$1,151,682.44	\$1,461,364.07	\$1,472,777.90	\$1,300,425.71
BALANCE	\$159,158.65	\$288,529.50	\$230,754.81	\$182,340.43	\$258,876.32

Audit Report



REPORT OF INDEPENDENT AUDITORS

To the Governing Board
The Council of State Governments
Lexington, Kentucky

We have audited the accompanying statement of financial position of The Council of State Governments (a nonprofit organization, the Council) as of June 30, 2010, and the related statements of activities and changes in net assets and cash flows for the year then ended. These financial statements are the responsibility of the Council’s management. Our responsibility is to express an opinion on these financial statements based on our audit. The financial statements as of June 30, 2009, were audited by Potter & Company, LLP, who merged with Blue & Co., LLC as of January 1, 2010, and whose report dated December 8, 2009, expressed an unqualified opinion on those statements.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of The Council of State Governments as of June 30, 2010 and the results of its operations and its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated December 14, 2010 on our consideration of the Council’s internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

Our audit was performed for the purpose of forming an opinion on the basic financial statements of the Council taken as a whole. The supplemental information as listed in the table of contents is presented for purposes of additional analysis and is not a required part of the financial statements. The accompanying Schedule of Expenditures of Federal Awards is presented for purposes of additional analysis as required by U.S. Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, and is also not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the financial statements and, in our opinion, is fairly stated in all material respects in relation to the financial statements taken as a whole.

Blue & Co., LLC
December 14, 2010

Article VIII, Finance, Section 3. Accounting and Audit

“The treasurer, through the executive director, shall cause the Commission’s financial accounts and reports, including the Commission’s system of internal controls and procedures, to be audited annually by an independent certified or licensed public accountant, as required by the Compact, upon the determination of the Commission, but no less frequently than once each year. The report of such independent audit shall be made available to the public and shall be included in and become part of the annual report to the governors, legislatures, and judiciary of the Compacting States.”

Offenders on Compact Supervision as of the close of FY 2011

States	Incoming				Outgoing				Total Offenders
	Probation Only	Parole Only	Probation and Parole	Total Incoming	Probation Only	Parole Only	Probation and Parole	Total Outgoing	
Alabama	2940	783	129	3852	1347	457	38	1842	5694
Alaska	187	60	9	256	149	26	58	233	489
Arizona	1389	490	53	1932	2396	237	83	2716	4648
Arkansas	1974	775	97	2850	1290	1331	109	2730	5580
California	3815	1224	97	5136	2193	717	20	2930	8065
Colorado	1097	265	54	1416	2086	658	34	2778	4194
Connecticut	751	170	17	938	1107	133	49	1289	2227
Delaware	544	124	30	698	356	26	27	409	1107
District of Columbia	680	109	65	854	550	6	0	556	1409
Florida	4701	1837	241	6779	6607	274	47	6928	13705
Georgia	3620	960	103	4683	7443	1522	487	9452	14131
Hawaii	170	44	5	219	310	130	1	441	660
Idaho	384	146	22	552	1021	417	21	1459	2011
Illinois	3676	1362	147	5185	2008	803	46	2857	8041
Indiana	2360	744	80	3184	2052	412	56	2520	5704
Iowa	1180	303	43	1526	819	250	24	1093	2619
Kansas	1168	446	73	1687	1024	421	57	1502	3187
Kentucky	1904	467	72	2443	2282	747	125	3154	5597
Louisiana	2235	802	95	3132	1740	1092	163	2995	6126
Maine	292	74	16	382	207	2	5	214	596
Maryland	2913	430	95	3438	946	262	184	1392	4828
Massachusetts	1361	265	36	1662	909	87	70	1066	2728
Michigan	1844	605	63	2512	1368	793	39	2200	4712
Minnesota	1186	323	68	1577	2129	314	32	2475	4052
Mississippi	1533	583	74	2190	1614	499	156	2269	4459
Missouri	2318	837	112	3267	3897	1511	245	5653	8918
Montana	316	108	19	443	617	225	106	948	1391
Nebraska	566	194	14	774	358	74	3	435	1209
Nevada	653	205	21	879	967	342	27	1336	2215
New Hampshire	432	60	18	510	351	253	17	621	1131
New Jersey	1988	520	67	2575	2593	785	65	3443	6016
New Mexico	1106	287	17	1410	624	144	171	939	2349
New York	3577	687	106	4370	1844	1436	40	3320	7690
North Carolina	3383	877	168	4428	1323	118	18	1459	5887
North Dakota	571	81	27	679	421	17	68	506	1185
Ohio	2683	948	146	3777	1769	528	32	2329	6106
Oklahoma	1901	909	86	2896	987	208	20	1215	4111
Oregon	955	262	37	1254	1056	525	85	1666	2919
Pennsylvania	2487	553	96	3136	2992	1204	173	4369	7505
Puerto Rico	220	143	11	374	63	20	0	83	457
Rhode Island	459	42	15	516	796	35	47	878	1394
South Carolina	1925	496	95	2516	1083	244	35	1362	3877
South Dakota	335	81	18	434	378	307	21	706	1140
Tennessee	3666	1026	176	4868	1905	531	49	2485	7353
Texas	4284	1995	299	6578	7507	3145	184	10836	17410
Utah	539	135	28	702	311	119	3	433	1135
Vermont	201	47	4	252	235	63	3	301	553
Virginia	1753	535	80	2368	5277	237	129	5643	8010
Virgin Islands	39	8	3	50	4	4	1	9	59
Washington	1521	518	94	2133	579	122	32	733	2866
West Virginia	925	166	34	1125	248	324	33	605	1730
Wisconsin	1251	275	36	1562	1854	1314	169	3337	4899
Wyoming	349	94	23	466	471	59	13	543	1008
TOTAL:	84311	25480	3634	113425	84463	25510	3720	113693	227092



**STATE OF TENNESSEE
BOARD OF PROBATION and PAROLE
404 JAMES ROBERTSON PARKWAY, SUITE 1300
NASHVILLE, TENNESSEE 37243-0850 615-741-1673**

January 10, 2012

The Honorable Bill Haslam
Governor of the State of Tennessee
First Floor, State Capitol
Nashville, Tennessee 37243

Dear Governor Haslam:

In compliance with TCA Section 40-28-405, the following is provided for fiscal year 2010-2011, regarding interstate compact cases under supervision of the Tennessee Board of Probation and Parole.

During FY 2010-2011, we received 604 parole requests and 1,897 probation requests for investigation for acceptance into Tennessee. Of that number, 494 parole cases and 1,318 probation cases were approved for transfer to the State of Tennessee. This represents 82% of the parole cases and 69% of the probation cases.

During FY 2010-2011, we submitted 113 parole requests and 872 probation requests for investigation for acceptance to other states. Of that number, 88 parole cases and 548 probation cases were approved for transfer to other states. This represents 78% of the parole cases and 63% of the probation cases.

For the fiscal year of 2010-2011, 65% of Tennessee probation and parole plans were accepted by other states while 72% of ISC probation and parole plans from other states were accepted for supervision in Tennessee.

On June 30, 2011, there were a total of 480 parole and 1,848 probation cases which are still active in other states, while there were 1,041 parole and 3,428 probation cases from other states which are still active in Tennessee. If your office requires additional information, please contact me at 532-8145.

Sincerely,

Charles M. Traugher, Chairman

CC: Lieutenant Governor Ron Ramsey, Speaker of the Senate
Speaker Beth Harwell, Speaker of the House
Senator Mae Beavers, Chair of Senate Judiciary Committee
Representative Eric Watson, Chair of the House Judiciary Committee
Board Members
Tennessee Council for Adult Offender Supervision
Executive Director Patricia Merritt, Board of Probation and Parole
Field Services Director Gary Tullock, Board of Probation and Parole